



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Director
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Jeffrey Hurst
Regional Director

May 3, 2022

Mr. Randall Eads
City Manager
300 Lee Street
City of Bristol, Virginia
Bristol, Virginia 24201

WARNING LETTER

Re: WL-005-0522-SW
Bristol Integrated Solid Waste Management Facility
2655 Valley Drive, Bristol Virginia
Solid Waste Permit ("SWP") Number 588

Dear Mr. Eads,

The Department of Environmental Quality ("DEQ" or "Department") has reason to believe that the Bristol Sanitary Landfill SWP 588 ("Facility") may be in violation of the Virginia Waste Management Act, Va. Code § 10.1-1400 et seq. ("Act"), the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 et seq. ("Regulations"), and/or SWP 588.

This letter addresses conditions at the facility named above and also cites compliance requirements of the Act, Regulations, and/or SWP 588. Pursuant to Va. Code § 10.1-1455 (G), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.24000 et seq. ("APA").

OBSERVATIONS AND LEGAL REQUIREMENTS

On April 21, 2022 DEQ Southwest Regional Office (SWRO) solid waste staff conducted an onsite compliance evaluation. The compliance evaluation was conducted as the result of DEQ receiving 36 odor complaints about the facility from April 18, 2022 through April 21, 2022. A copy of the inspection checklist is attached. Staff also reviewed documents provided to DEQ during the course of this evaluation. The following describe the staff's factual observations and identify the applicable legal requirements.

1. Observation: The active working face was observed to be large and unconfined to the smallest area practicable.

Legal Requirements: Regulation 9 VAC 20-81-140.B.1.a states “unless provided otherwise in the permit, solid waste shall be spread into two foot layers or less and compacted at the working face, which shall be confined to the smallest area practicable”.

2. Observation: To the south of and immediately adjacent to the active working face, DEQ observed uncovered and exposed solid waste that had been previously placed and compacted earlier in the week. This area was observed without any daily soil cover, any daily posi-shell cover or tarps applied to it. No soil cover material was observed stockpiled at or near the working face or inside the disposal area. No soil cover was observed being hauled to the working face or readily available. Facility posi-shell records provided to DEQ during the course of this evaluation indicate posi-shell was applied as daily cover to solid waste on the following dates so far this month: April 1, 8, 13, 14 and 22.

Legal Requirements: Regulation 9 VAC 20-81-140.B.1.c states “Daily cover consisting of at least 6 inches of compacted soil or other approved material shall be placed upon and maintained on all exposed solid waste at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter and scavenging. Alternate materials of an alternate thickness may be approved by the department if it has been demonstrated that the alternate material and thickness control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. At least three days of acceptable cover soil or approved material at the average usage rate shall be maintained at the landfill or readily available at all times.”

3. Observation: Exposed and uncovered solid waste was observed in the north and south areas of the landfill where intermediate soil cover was in place.

Legal Requirements: Regulation 9 VAC 20-81-140.B.1.d states “Intermediate cover of at least six inches of additional compacted soil shall be applied and maintained whenever an additional lift of refuse is not to be applied within 30 days. Further, all areas with intermediate cover exposed shall be inspected as needed, but not less than weekly. Additional cover material shall be placed on all cracked, eroded, and uneven areas as required to maintain the integrity of the intermediate cover system”.

4. Observation: The facility has developed an Odor Management Plan, dated June 7, 2021. The Odor Management Plan list remedial actions that can be taken by the facility in a few days of receiving an odor complaint. Between April 18, 2022 and April 21, 2022, approximately 58 odor complaints were documented as received by the facility. During the site visit on 04/21/22, solid waste south of

and immediately adjacent to the active working face was observed to be exposed, uncovered and lacking any daily cover material. Daily or intermediate cover had not been applied to the solid waste in this area despite being placed and compacted earlier in the week. Exposed and uncovered solid waste was observed in areas of the landfill where intermediate soil cover was in place. The active working face was also observed to be large and not confined to the smallest area practicable.

Legal Requirements: Regulation 9 VAC 20-81-200.D states the permittee shall, within 90 days, develop and implement an odor management plan to address odors that may impact citizens beyond the facility boundaries.

The Odor Management Plan for the Bristol Quarry Landfill SWP 588, Section 4.0 Remedial Measures states in part the following are remedial actions that could be taken within a few days of an odor complaint:

- **Install intermediate cover or increase the thickness of daily cover in the Permit 588 area,**
- **Reduce the size of the working face.**

ENFORCEMENT AUTHORITY

Va. Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Waste Management Act, Waste Management Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Waste Management Act, regulation, order or permit condition. In addition, Va. Code § 10.1-1455 (G) authorizes the Waste Management Board to issue orders to any person to comply with the Waste Management Act and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Waste Management Act and regulations. Va. Code §§ 10.1-1455(D) and 10.1-1455(1) provide for other additional penalties.

FUTURE ACTIONS

After reviewing this letter, please respond in writing to DEQ **within 20 days of the date of this letter** detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If corrective action will take longer than 90 days to complete, you may be asked to sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the plan and schedule. *It is DEQ policy that appropriate, timely corrective action undertaken in response to a Warning Letter will avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. If you complete the Process for Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. If you complete the Process for Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department's website under "Permits & Regulations" and "Enforcement"

(<https://www.deq.virginia.gov/permits-regulations/enforcement>) or ask the DEQ contact listed below.

Your contact at DEQ in this matter is **Stephan Martin**. Please direct written materials to his attention. If you have questions or wish to arrange a meeting, you may reach him directly at **276-608-8803** or stephan.martin@deq.virginia.gov.

Sincerely,



Stacy A. Bowers
Land Program Manager

Attachment

cc: Jeff Hurst, SWRO Regional Director
Crystal Bazyk, SWRO Air Compliance and Enforcement
Stacy Bowers, SWRO Land Program Manager
Stephan Martin, SWRO Solid Waste Compliance Inspector
Mark Kidd, SWRO PREP
Priscilla Rohrer, CO Solid Waste Compliance Coordinator
Facility File, SWP 588